

REMARKS

The present response is intended to be fully responsive to the rejection raised in the Office action, and is believed to place the application in condition for allowance. Further, the Applicants do not acquiesce to any portion of the Office Action not particularly addressed. Favorable reconsideration and allowance of the application is respectfully requested.

In the Office action, the Office noted that claims 1-6, 8-15, 18, 19, 21, 24 and 25 are pending and rejected. Applicants amend claims 1 and 6. Applicants have not introduced any new matter by way of the foregoing amendments.

In view of the above amendments and the following discussion, the Applicants submit that none of the claims now pending in the application are anticipated obvious under the provisions of 35 U.S.C. § 103. Thus, Applicants believe that all of these claims are now in condition for allowance.

REJECTION

The Office rejected claims 1-5 under 35 U.S.C. § 112. Applicants noted to the Office that "means for retrieving" and "means for decrypting" specify a "retrieving" and a "decrypting" function and directs the Office to 35 U.S.C. §112, sixth paragraph. Applicants submit that the "means plus function" claims comply with the requirements of 35 U.S.C. § 112, sixth paragraph and respectfully request that claims 1-5 be reconsidered and rejection withdrawn.

The Office also rejected claims 1-6, 8-10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,225,322 ("*Folmsbee*") in view of U.S. Patent No. 5,774,544 ("*Lee*").

Amended claim 1 recites a combination of elements directed to a data processing unit for executing an encrypted software program. The combination of elements includes "means for retrieving a serial number from non-volatile memory unit; means for retrieving decryption procedure, wherein the processing unit is the unit that can retrieve the serial number from the non-volatile memory unit; means for decrypting an encrypted software program using the retrieved serial number as an encryption key

and the decryption procedure.” Amended, independent claim 6 recites similar features as those recited in claim 1.

Applicants point to the Office that *Lee* discloses a method and apparatus for “encrypting and decrypting a microprocessor serial number,” whereas, *Folmsbee* discloses a CPU the “executes program instructions which result in valid and invalid intermediates results, a program is able to be successfully executed.”

Accordingly, it is Applicant’s opinion that *Lee* and *Folmsbee*, alone and in combination, do not suggest or show a motivation for modifying the reference or to combine the reference teachings. In addition, it is Applicant’s opinion that there is no evidence in any of the prior art that shows a “reasonable expectation of success” in combining the references. Thus, it is Applicant’s belief that a prima facie case of obviousness has not been provided.

CONCLUSION

In view of the foregoing, the Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. §103. Consequently, the Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Office believes that any unresolved issues still exist or if, in the opinion of the Office, a telephone conference would expedite passing the present application to issue, the Office is invited to call the undersigned attorney directly at 972-917-4365 or the office of the undersigned attorney at 972-917-5352 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

Date: July 23, 2010

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